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June 21, 1996

**RECEIVED**

**JUN 21 1996**

Federal Communications Commission  
Office of Secretary

Mr. William F. Caton  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington, D.C. 20554

Re: PR Docket No. 93-144  
Notice of Ex Parte Contact

Dear Mr. Caton:

In accordance with the Commission's rules, this will provide notice that a written presentation concerning the above-captioned proceeding was prepared by Charles H. Taylor and subsequently forwarded to Chairman Reed Hundt on or about June 7, 1996. A copy of the presentation item is attached for the Commission's files.

This presentation was made at the request of Duke Power Company. The points raised in this item substantially reflect the positions taken in commentary filed on behalf of Duke Power at earlier stages of this docket proceeding. It is believed that this correspondence is complete and in proper order for its intended purpose; however, should questions arise concerning this matter please contact the undersigned.

Sincerely,

*Jeffrey L. Timmons*  
Jeffrey L. Timmons *LyTB*

Encl.

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CHARLES H. TAYLOR  
11TH DISTRICT, NORTH CAROLINA

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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-3311

June 7, 1996

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The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW  
Room 814  
Washington, D.C. 20554

Dear Chairman Hundt:

I would like to express my reservations about action which the Commission is contemplating with regard to privately licensed 800 MHz radio spectrum used for critical public safety purposes. I understand that the Commission has proposed to reallocate a significant portion of spectrum from this band from private to commercial uses, to award licenses by auction, and to allow commercial auction winners to force incumbent users of the band to relocate to other channels.

Frequencies in the 800 MHz band have been used successfully for many years to provide among other things, safety-oriented critical services for public utilities, including Duke Power Company, which serves a significant portion of my district. While the need to enhance Federal revenues and the benefits of expanding commercial enterprises are laudable, I do not believe that Congress ever intended these benefits to justify reallocating spectrum that has been critical to facilitating the safe and efficient provision of electric power and other public utility services for many years.

I understand that Duke Power has invested millions of dollars to construct a large-scale dedicated telecommunications system which covers the company's entire service area with the kind of highly-reliable grade of service that is necessary to meet the responsibilities of a public utility. This system has proven critical to Duke for the rapid and efficient restoration of power outages as well as for handling situations such as downed power lines which present a public safety hazard. It proved invaluable during natural disasters such as occurred in the aftermath of Hurricane Hugo and in the major ice storm emergencies during the winter of 1995-6.

I do not believe it is in the interest for public utilities like Duke to suffer any interruption of their communications capabilities. I therefore urge the Commission not to eliminate dedicated spectrum allocations for critical systems such as Duke's, or at a minimum that a detailed and realistic transition plan be established that will provide the necessary safeguards to ensure that a proposed reallocation will create no negative impact on the public welfare, without undue pressure on incumbent users like Duke to compromise the integrity of their systems during the relocation process.

Any interruption to a system like Duke's could prove a serious detriment to the public. A highly complex system cannot simply be moved to other channels on a random basis or reconstructed in a piecemeal manner and still maintain its effectiveness, especially

where a large number of channels and site-interdependent re-use of channels are involved. I am also unconvinced that it would be in the public interest to force public utilities to purchase critical services from, and to have to rely on the facilities of, a commercial carrier or commercial mobile service provider.

I appreciate your prompt attention to my concerns and look forward to hearing from you soon.

Sincerely,

Charles H. Taylor  
Member of Congress

CHT/cc

**CERTIFICATE OF SERVICE**

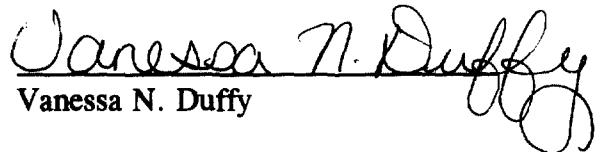
I, Vanessa N. Duffy, hereby certify that on this 21st day of June, 1996, copies of the foregoing "Notice of Ex Parte Contact" have been served by first-class United States mail, postage pre-paid, upon the following:

**The Honorable James H. Quello  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554**

**The Honorable Rachelle B. Chong  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554**

**The Honorable Susan Ness  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554**

**The Honorable Reed Hundt  
Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, D.C. 20554**

  
Vanessa N. Duffy